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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR07-291-RSM

12 v.

13 JUSTIN BACUS,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on November
19 28, 2011. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Sarah Vogel, and defendant was represented by Michael Filipovic. Also
21 present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on January 11, 2008 by the Honorable Ricardo S. Martinez for
Pharmacy Robbery. He received 48 months of detention and 3 years of supervised release.

On July 25, 2011, a Report on Offender under Supervision was submitted to the Court
reporting that Mr. Bacus admitted to using Percoset. He agreed to complete the Moral
Reconciliation Therapy program for this lapse in judgment. No action was recommended by the

1 U.S. Probation Office.

2 On August 25, 2011, a modification was submitted to the Court requesting that Mr. Bacus'
3 conditions of supervision be modified to include the condition that he participate in the home
4 confinement program, curfew component, for 120 days. Mr. Bacus began his term of home
5 confinement on September 6, 2011.

6 **PRESENTLY ALLEGED VIOLATIONS**

7 In a petition dated November 2, 2011, U.S. Probation Officer Jerrod Akins alleged that
8 defendant violated the following conditions of supervised release:

- 9 1. Consuming marijuana on or before October 13, 2011, in violation of standard
10 condition number 7.
- 11 2. Consuming opiates on or before September 21, 2011, in violation of standard
12 condition number 7.
- 13 3. Consuming amphetamines on or before September 27, 2011, in violation of standard
14 condition number 7.
- 15 4. Failing to follow the instructions of the probation officer, in violation of standard
16 condition number 3.

17 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

18 Defendant admitted to violations 1 – 3. The government withdrew violation 4. Defendant
19 waived any hearing as to whether violations 1 -3 occurred, and was informed the matter would
20 be set for a disposition hearing on January 13, 2012 at 10:30 a.m. before District Judge Ricardo
21 S. Martinez.

22 **RECOMMENDED FINDINGS AND CONCLUSIONS**

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 28th day of November, 2011.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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